

Enriching Lives



1055 Wilshire Boulevard
Suite 800
Los Angeles, CA 90017
Tel 213.202.5858
Fax 213.580.0017
www.lacountyarts.org

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August 11, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**APPROVAL OF CIVIC ART POLICY REVISIONS
(ALL DISTRICTS) (3 VOTES)**

SUBJECT

Adopt revisions to the Civic Art Policy to include County capital projects to be built by developers.

IT IS RECOMMENDED THAT THE BOARD:

Approve revisions to the Civic Art Policy originally adopted on December 7, 2004 by your Board and last revised on December 15, 2009.

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

22 August 11, 2015

A handwritten signature in black ink, appearing to read "Patrick Ogawa".
PATRICK OGAWA
ACTING EXECUTIVE OFFICER

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Civic Art Policy specifies that your Board will periodically review and update the policy. The civic art policy is silent on a particular method through which the County builds its public facilities: rather than using the Department of Public Works or the Community Development Commission, the County sometimes uses developer agreements to build County projects. This is resulting in no civic art for some new County facilities. The attached changes to the policy in relation to County capital projects that are being built by a developer are being put forward for your consideration. These changes, which will only effect County projects, are summarized below:

- County capital projects to be built by developers will now be included in the policy.
- Residential or commercial projects, or residential or commercial project components that are included in these projects, will continue to be exempt.
- A developer built project subject to civic art regulations of a municipality is excluded to prevent more than one requirement for civic art being in effect at a time.
- A representative of the developer will be on the civic art Project Coordination Committee, if applicable. The Arts Commission will work with your offices to develop the appropriate procedures for these projects, these procedures will be approved by the Arts Commissioners.
- In the case of County capital projects to be built by a developer, the Chief Executive Office and the Community Development Commission will include this civic art requirement in contracts with the developer.

Implementation of Strategic Plan Goals

The recommended action supports the Countywide Strategic Plan Goal 1: Operational Effectiveness/Fiscal Sustainability; Strategic Initiative 1: Sound Fiscal Management/Capital Investments and Goal 2: Community Support and Responsiveness by enriching the lives of County residents by providing enhanced services.

FISCAL IMPACT/FINANCING

Some County capital projects that have not previously included civic art will now do so. The maximum impact for these projects is 1% of the design and construction costs of projects over \$500,000, capped at \$1 million.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Not applicable.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The revision to the Civic Art Policy will allow equal civic art access for all residents at the County's public facilities, no matter the financing mechanism that is used to build the facility. The inclusion of civic art in County facilities expands our region's cultural resources and fosters positive community identity.

The Honorable Board of Supervisors

8/11/2015

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Laura Zucker", with a long horizontal flourish extending to the right.

LAURA ZUCKER

Executive Director

LZ:MB

Enclosures

c: Interim Chief Executive Officer
Chief Executive Office
Public Works
Community Development Commission



CIVIC ART POLICY

Proposed Revisions June 8, 2015 (REVISED on June 2, 2015)
Approved December 15, 2009 by the Board of Supervisors



Los Angeles County Arts Commission
1055 Wilshire Boulevard, Suite 800, Los Angeles, CA 90017
(213) 202-5858

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I. PURPOSE

Artistic and cultural resources are key to the overall quality of life of a community. Civic Art contributes significantly to the economic vitality of a region by improving the quality of the environment and fostering a positive community identity. Historically, artists have helped shape the great civic projects of other eras, from the federal monuments of our capital to the community treasures of the Works Projects Administration. The creation of the Los Angeles County Civic Art Program will integrate the skills of artists into capital improvement and major development projects, enhancing Los Angeles County for those who live here now and contributing to the creation of a legacy for generations to come.

II. GOALS AND OBJECTIVES

The Civic Art Program has the following goals:

- To enhance the quality of life of the residents of Los Angeles County through the creation of an improved physical and cultural environment;
- To provide leadership in the development of high quality civic spaces;
- To enhance County work spaces for constituents and staff;
- To expand the economic vitality of the County through increased property values and new cultural tourism opportunities;
- To provide access to artistic experiences of the highest caliber for the residents of Los Angeles County; and
- To acknowledge the skills and creativity of artists, which are key to the success of such a program.

Specific objectives include:

- To enhance the quality of selected County capital improvement projects through the incorporation of the skills of artists;
- To encourage innovative approaches to Civic Art;
- To integrate artists into the planning and design process at the earliest possible opportunity;
- To ensure access and the equitable distribution of commissions between local, regional and national artists that are representative of diverse cultural backgrounds;
- To document, archive, preserve and conserve County-owned artworks; and
- To provide the public with information about Civic Art Projects.

III. CIVIC ART POLICY

The Civic Art Policy mandates that Eligible County Capital Improvement Projects, funded wholly or in part by the County, allocate 1% of eligible project costs for the design, construction, integration, acquisition, delivery and conservation of Civic Art, unless otherwise ordered by the Board of Supervisors. The Civic Art Allocation will represent an amount equal to 1% of the cost of design services and construction of County Capital Projects that are:

- Authorized by the Board of Supervisors to proceed;
- Included in the County's Capital Projects/Refurbishments Budget;
- Included in the County's Capital Projects/Refurbishments Budget and transferred to the Community Development Commission (CDC) for execution;

- County capital projects to be built by developer:
- Not yet contracted with a lead design/engineering firm; or
- Another County development or Capital Projects, as approved by the Board.

If use of all, or a portion, of a project's funding is prohibited by the funding source for the purposes of the Civic Art Program, the Civic Art Allocation will reflect only that portion of the funding that is eligible for application to the Civic Art Program. For capital projects over \$100 million in eligible funds, the Civic Art Allocation will not exceed \$1 million. This cap shall be reviewed by the Board of Supervisors every five years.

The Arts Commission's budget for contract project managers and other expenses associated with the administration of the Civic Art Program will be funded annually by the Chief Executive Office (CEO) in accordance with the annual budget process. The amount allocated for administration will be based on the number of County capital projects and anticipated workload for the upcoming fiscal year.

Projects included in the County's Capital Projects/Refurbishment Budget and transferred to CDC for execution or approved projects paid for and managed by other entities are subject to a 15% administrative fee from the 1% allocation.

IV. IMPLEMENTATION OF CIVIC ART PROJECTS

The Arts Commission will work with the Board offices, the Chief Executive Office (CEO), Department of Public Works (DPW), Community Development Commission (CDC) and County Departments to identify Civic Art Projects, conservation projects, community outreach and public education efforts, and any other activities anticipated to be undertaken in the upcoming fiscal year.

A Project Coordination Committee will be established at the beginning of each new Civic Art project and will have primary oversight of each Civic Art Project, will participate in the project from artist selection through dedication, and work to ensure close coordination among Departments.

The Project Coordination Committee, which will be chaired by the representative of the Supervisor in whose District the project is located, will meet to review and approve the following:

- *Artist selection.* Artists will be selected for each new Civic Art Project through one of the methods outlined in *Procedures, Section 1.*
- *The artist's proposals at the conceptual and final design phases.* In some cases the conceptual design review may take place as part of the artist selection process. After comments are received at each phase, Arts Commission staff will work with the artist to refine the design. If the artist is not in agreement with the Committee's recommendations, Arts Commission staff will mediate discussions to arrive at a consensus among all parties. In each case, if revisions are called for, the revised conceptual or final design will be presented to the Project Coordination Committee for approval.
- *Proposed alterations to the final design.* The artist's contract will contain language specifying that no change to the approved final design may take place without written permission.

- *Plans for the dedication and unveiling of the facility.* These include placement of appropriate informational signage at the project site, the inclusion of the artist and information regarding the artwork at any unveiling ceremonies or community outreach events associated with the dedication of the new facility.

All County departments will adhere to the roles and responsibilities detailed in Section VI.

The Civic Art Policy will be reviewed and updated by the Board of Supervisors. Procedures which guide implementation of, and are in accordance with, the Civic Art Policy will be updated by the Arts Commission in collaboration with the CEO.

V. DEFINITIONS

Artist means a person who has established a reputation of artistic excellence in the visual, performing or literary arts, as judged by peers, through a record of exhibitions, public commissions, sale of works and/or educational attainment.

Arts Commission Project Manager is the lead staff person for each Civic Art project. The project manager is responsible for staffing the Project Coordination Committee but does not vote on artist selection.

Civic Art means artistic and cultural facilities, objects and amenities, whether created before or after the adoption of this policy, such as:

- Sculpture: Free standing, wall supported or suspended, kinetic, electronic or mechanical in material or combination of materials;
- Murals or portable paintings: In any materials or variety of materials, with or without collage or the addition of nontraditional materials and means;
- Earthworks, neon, glass, mosaics, photographs, prints, calligraphy, any combination of forms of media, including sound, film, holographic, and video systems, hybrids of any media and new genres;
- Standardized fixtures, such as grates, street lights, signage, and other design enhancements as rendered by an artist for unique or limited editions;
- Exhibit/Performance Space: Public gallery/exhibition space, public performance spaces, public artistic studio spaces, and public art education facilities; and
- Similar facilities and amenities as determined by the Los Angeles County Arts Commission;
- Restoration of County-owned artworks, and restoration or replication of original decorative ornamentation and Civic Art as part of the rehabilitation of the County's historic, cultural and architectural landmarks;
- Performing Arts: Theatre, dance, music and performance art;
- Literary Art: Poetry readings and storytelling;
- Media Art: Film and video, screenings and installations;
- Education: Lectures, presentations and training in and about arts and culture;
- Special events: Parades, festivals and celebrations; and
- Similar arts services as approved by the Los Angeles County Arts Commission.

Civic Art Committee is a committee of the Arts Commission made up of one Commissioner from each Supervisorial District.

Civic Art Report means an annual report issued to the Board of Supervisors which describes the Civic Art activities for the previous fiscal year. The report will detail new and ongoing Civic Art Projects, conservation projects, community outreach and public education efforts, and other activities undertaken during the year, as well as changes to the Civic Art Procedures approved by the Arts Commission. This report may also set priorities for use of Civic Art funds in future years.

Civic Art Project Costs:

- **Allowable Civic Art Project Costs:** The 1% Civic Art Allocation may be used to fund the following expenditures: purchase or design and fabrication of Civic Art, fees and travel expenses for artist services, transportation and installation of Civic Art, preservation, conservation, documentation, insurance, identification plaques, community workshops and other reasonable expenses associated with the initiation, development and completion of Civic Art Projects. Fees paid to a limited number of artist finalists for development of concept ideas or concept designs as part of the selection process are allowable. All work products submitted by artists to the County during the selection process will become the property of the County. Fees and related expenses paid to finalists are deducted from the Civic Art Project's budget.
- **Allowable Civic Art Administrative Costs:** The administrative budget may be used to fund the following expenditures: administration and project management by the Arts Commission, panelist fees and other reasonable expenses associated with the initiation, development, completion, public education, documentation, public information and conservation of Civic Art Projects.
- **Ineligible Civic Art Project Costs:** Civic Art Allocations shall not be expended for directional elements, signage, mass produced objects, reproductions, or for architectural elements, landscape architecture or gardening, except as they relate directly to an artist's concept for a Civic Art Project or to the preservation or conservation of County artworks.

Eligible County Capital Project means any new building or facility and any expansion or refurbishment of an existing facility or system, paid for wholly or in part by funds appropriated by the County or by any other public entity for which the Board is the governing body, with the exception of:

- New or refurbishment projects with Eligible Project Costs of less than \$500,000,
- Open space acquisition,
- Streets,
- Underground projects,
- Portable trailers,
- Technical equipment or structures acquired at a set price through a purchase order,
- Flood control channels,
- Airport runways and airport lighting,
- Paving, ~~and~~
- Projects funded by the Community Development Commission of the County of Los Angeles (CDC) or the Housing Authority of the County of Los Angeles (HACOLA) and/or administered by CDC or HACOLA including but not limited to economic redevelopment projects, modernization of public housing, or affordable housing rehabilitation or development projects,
- Residential or commercial projects or project components, and

- Developer built project subject to civic art regulations of other municipalities.

Eligible Project Costs used to calculate the Civic Art Allocation means the estimated cost of design services and construction at the time of adoption of the facility program on Eligible County Capital Projects.

Project Coordination Committee is a committee established at the beginning of each new Civic Art Project that will exercise primary project oversight, participate in the project from artist selection through dedication, and will work to ensure close coordination among departments. Each Project Coordination Committee shall consist of:

- A representative of the County Supervisor in whose District the project is located;
- A representative of the CEO;
- A representative of the Department of Public Works if DPW is providing project management;
- A representative of the Community Development Commission if CDC is providing project management;
- A representative of the tenant department(s);
- An Arts Commissioner in whose District the project is located, if available, or an arts professional from the District;
- The project architect;
- A community member identified by either the Board office or the Arts Commission (optional); ~~and~~
- The Arts Commission's project manager; and
- A representative of the developer, if applicable.

Refurbishment means the reconfiguration of a facility or system or a portion of a facility or system that is included in the County's Capital Project/Refurbishment Project Budget which does not increase the gross square footage of facilities. For the purposes of this policy, refurbishment projects do not include repairs, maintenance or installation or replacement of building systems or furniture.

VI. ROLES AND RESPONSIBILITIES OF COUNTY DEPARTMENTS

This section is intended to serve as a guide for all County entities involved in the delivery of the County Civic Art Program. These roles and responsibilities will foster clear communication and effective implementation of the program.

Los Angeles County Arts Commission

- A. Adopt policies and procedures regarding implementation of the Civic Art Program. Obtain Board of Supervisors' approval of policy changes and CEO concurrence for policies and procedures that impact the County's capital program.
- B. Provide oversight and coordination for all aspects of the Civic Art Program and its projects in conjunction with the Board of Supervisors, CEO, DPW, CDC and other County departments.
- C. Develop and carry out Civic Art Projects in conjunction with the capital project programming and design schedule, with the goal of minimizing construction and scheduling impacts. Mutually cooperate with the Board of Supervisors, CEO, and DPW to determine when Civic Art Projects are initiated.

- D. Administer the Civic Art Program, including the development and presentation of budgetary recommendations regarding staffing costs, consultant costs and other reasonable expenses associated with the administration of the Civic Art Program.
- E. Document and archive historic County artworks and new Civic Art Projects into the County Civic Art Inventory. Electronic and hard-copy data on artworks includes but is not limited to, artist information, fabrication information, contracts, construction drawings, maintenance instructions, press coverage, an assessment of the condition of each work, a plan for conservation and repair, if applicable, and visual documentation.
- F. Maintain the County Civic Art Inventory and make it accessible to County staff and the public through regular Web site updates. Issue an updated report on the Inventory to the Board of Supervisors at least once every five years.
- G. Make the Civic Art Program accessible to the public through the Arts Commission's Web site, technical assistance workshops, media outreach and other outreach activities as appropriate.
- H. Determine the acceptance of gifts, long-term loans of artwork and loans of County-owned artwork to other organizations or institutions, based on recommendations of the Arts Commission's Civic Art Committee. This will not apply to any County art institution with a governing body established to approve such purchases, gifts or loans.
- I. Convene Project Coordination Committee meetings, provide regular updates to the Committee throughout the course of the project and document key decisions and approvals.
- J. Negotiate, execute and administer contracts with artists and other vendors and approve invoices and other payments arising out of these contracts.
- K. Advise the CEO of upcoming contracts that will be encumbered in the Capital Projects budget.
- L. Within the Civic Art Special Fund, create District and Departmental Civic Art Accounts for each tenant department of an Eligible County Capital Project and ensure that transferred Civic Art Allocations are placed in the respective Departmental Civic Art Account. Each District will have the option of creating a sub-account to pool funds for a specific long-range project.
- M. Assist DPW and CDC in the resolution of any issues or differences regarding the project art component, and review and approve all plans and bid documents as they pertain to the implementation of the Civic Art Program.
- N. Work with the CEO, DPW and CDC to develop methodologies for integrating Civic Art into the design/build process.
- O. Convene and facilitate public meetings, in conjunction with tenant departments, as needed for the implementation of the Civic Art Program and/or specific projects and provide feedback from meetings.

- P. Oversee the maintenance and conservation of existing artworks, in conjunction with the Board of Supervisors, CEO and tenant departments.
- Q. Provide written maintenance instructions to tenant departments upon completion of every new Civic Art Project and conservation or repair of existing artworks.
- R. Establish a Civic Art Committee, made up of one Commissioner from each District, to:
- Advise and provide recommendations to the Arts Commission on Civic Art Program policies and procedures;
 - Approve artist selection panelists and lists of pre-qualified artists, ensuring equal access for project consideration to all qualified artists;
 - Designate a member to serve on the Project Coordination Committee for each project.
- The Director of the Civic Art Program will staff this committee and participate as an ex officio member.
- S. Recommend revisions in the Civic Art Policy at least every five years to the Board of Supervisors.

Chief Executive Office

- A. Inform Arts Commission staff of new capital or refurbishment projects at the conclusion of the programming phase to allow for adequate review and planning, to determine which projects might benefit from the inclusion of Civic Art and to ensure that Civic Art Projects are fully integrated into the Capital Project process beginning in the design phase.
- B. Work with Arts Commission staff, Board of Supervisors, and DPW to determine the applicability of Civic Art to proposed capital or refurbishment projects and in developing the annual Civic Art Project and administrative budgets.
- C. Provide Arts Commission staff with a copy of all capital project related Board Letters that may be applicable to the Civic Art Policy or specific allocations at least two weeks prior to Board meeting date.
- D. In the case of County capital projects to be built by developer, include the civic art requirement in the contract with the developer.
- ~~D.~~E. Calculate and present proposed Civic Art Allocations for each capital project throughout the year as new projects are considered.
- ~~E.~~F. Transfer Civic Art Allocations to the Civic Art Special Fund, along with other capital project budget transfers, during the major budget actions throughout the fiscal year (Proposed, Supplemental, Mid-Year and Final) or more frequently.
- ~~F.~~G. Review monthly Civic Art Special Fund encumbrance and expenditure reports from the Arts Commission.
- ~~G.~~H. Advise Arts Commission staff of any Board actions, ordinances, resolutions, regulations or limitation on funding sources that may affect a specific project.

H.I. _____ Designate a representative to serve on the Project Coordination Committee.

Department of Public Works

These responsibilities will also apply to any department that has its own construction project managers and does not use a DPW project manager.

- A. Coordinate the integration and delivery of Civic Art components in capital or refurbishment projects with the Arts Commission project manager, ensuring that selected artists are fully integrated into the project design process for all capital or refurbishment projects with a Civic Art component.
- B. Work with Arts Commission staff, Board of Supervisors and the CEO in determining the applicability of Civic Art to proposed capital improvement projects.
- C. Notify the Arts Commission in writing of all capital projects whose programming phase has been completed. Include in the written notification an estimate of the Civic Art Allocation or notice that the project is exempt from the allocation with indication of reason for exemption.
- D. At the beginning of each project's design phase, work with the tenant department representative to brief the artist(s) on the project's goals, opportunities and constraints.
- E. With the Arts Commission project manager, establish a timeline for the development of the Civic Art component that is consistent with the capital improvement project's timeline. The timeline will identify specific milestones for review and set the requirements for completion of the successive stages of conceptual design, final design, fabrication and installation.
- F. Provide the Arts Commission project manager with art component submittals at all phases for review and approval.
- G. With assistance of the Arts Commission project manager, resolve differences that may arise regarding project art components. Refer differences that cannot be resolved to CEO.
- H. Designate a representative to serve on the Project Coordination Committee.

Community Development Commission

- A. Coordinate the integration and delivery of Civic Art components in capital or refurbishment projects with the Arts Commission project manager, ensuring that selected artists are fully integrated into the project design process for all County-funded capital or refurbishment projects with a Civic Art component.
- B. Work with Arts Commission staff, Board of Supervisors and the tenant department in determining the applicability of Civic Art to proposed capital improvement projects.
- C. In the case of County capital projects to be built by developer, include the civic art requirement in the contract with the developer.

- ~~C.D.~~ CDC will transfer the project's Civic Art Allocation to the Civic Art Special Fund so that the Arts Commission can carry out a Civic Art Project for the capital project in a timely fashion. 15% of the 1% allocation will be set aside for the administrative costs to manage CDC projects.
- ~~D.E.~~ Notify the Arts Commission in writing of all capital projects whose program phase has been completed. Include in the written notification an estimate of the Civic Art Allocation or notice that the project is exempt from the allocation with the indication of the reason for exemption.
- ~~E.F.~~ At the beginning of each project's design phase, with the tenant department representative, brief the artist(s) on the project's goals, opportunities and constraints.
- ~~F.G.~~ With the Arts Commission project manager, establish a timeline for the development of the Civic Art component that is consistent with the capital improvement project's timeline. The timeline will identify specific milestones for review and set the requirements for completion of the successive stages of conceptual design, final design, fabrication and installation.
- ~~G.H.~~ Provide the Arts Commission project manager with art component submittals at all phases for review and approval, when appropriate.
- ~~H.I.~~ Assist the Arts Commission project manager, as needed, to address differences that may arise regarding project art components. Refer differences that cannot be resolved to the appropriate Board office.
- ~~I.J.~~ Designate a representative to serve on the Project Coordination Committee.

Departments, Agencies or Authorities

- A. Work with Arts Commission staff in determining the applicability of Civic Art to proposed capital or refurbishment projects.
- B. At the beginning of each project's design phase, the tenant department representative, along with the DPW, CDC or another department project manager, will brief the artist on the project's goals, opportunities and constraints.
- C. Coordinate with Arts Commission staff to ensure appropriate outreach to any advisory groups, neighborhood groups or others that may be impacted by or have interest in the development of a specific project.
- D. Assist in the resolution of differences regarding the Civic Art component as appropriate.
- E. Work with Arts Commission staff and individual artists to develop artwork maintenance plans for all department-owned Civic Art, and integrate the maintenance of art within the department or agency's annual operating budget.
- F. Designate a representative to serve on the Project Coordination Committee for each departmental Civic Art Project.

- G. Departments, Agencies or Authorities who manage their own capital projects shall notify the Arts Commission and CEO, in writing, of all capital projects whose programming phase has completed. An estimate of the potential Civic Art Allocation shall be included in the notice.